

# EXHIBIT 8

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF WEST VIRGINIA**

**Wheeling Division**

**DAVID and ROXIE VANCE and  
CARLA SHULTZ, individually  
and on behalf of a class of all  
persons and entities similarly situated,**

**Plaintiffs,**

**vs.**

**Case No. 5:17-cv-00179-JPB**

**DIRECTV, LLC,**

**Defendant.**

**DECLARATION OF ANTHONY I. PARONICH**

Anthony I. Paronich declares as follows:

1. I make this declaration in support of Plaintiffs' Motion for Class Certification.
2. I am an attorney duly admitted to practice in the Commonwealth of Massachusetts, I am over 18 years of age, and I am competent to testify and make this affidavit on personal knowledge. I have extensive experience in the prosecution of class actions on behalf of consumers, particularly claims under the TCPA.
3. I am a 2010 graduate of Suffolk Law School. In 2010, I was admitted to the Bar in Massachusetts. Since then, I have been admitted to practice before the Federal District Court for the District of Massachusetts, the Northern District of Illinois, the Eastern District of Michigan, the Western District of Wisconsin, the Southern District of Indiana, the First Circuit Court of Appeals, the Seventh Circuit Court of Appeals, and the Ninth Circuit Court of Appeals. From time to time, I have appeared in other State and Federal District Courts *pro hac vice*. I am in good standing in every court to which I am admitted to practice.
4. I was an associate at Broderick Law, P.C. in Boston, Massachusetts from 2010 through 2016.

5. I was a partner at Broderick & Paronich, P.C. in Boston, Massachusetts from 2016 through 2019.

6. In 2019, I started Paronich Law, P.C., focused on protecting consumers in class action lawsuits.

7. I have been appointed class counsel in more than 35 TCPA cases, including the following:

- i. Desai and Charvat v. ADT Security Services, Inc., USDC, N.D. Ill., 11-CV-1925, a TCPA class settlement of \$15,000,000 granted final approval on June 21, 2013.
- ii. Jay Clogg Realty Group, Inc. v. Burger King Corporation, USDC, D. Md., 13-cv-00662, a TCPA class settlement of \$8,500,000 granted final approval on April 15, 2015.
- iii. Charvat v. AEP Energy, Inc., USDC, N.D. Ill., 1:14-cv-03121, a TCPA class settlement of \$6,000,000 granted final approval on September 28, 2015.
- iv. Bull v. US Coachways, Inc., USDC, N.D. Ill., 1:14-cv-05789, a TCPA class settlement finally approved on November 11, 2016 with an agreement for judgment in the amount of \$49,932,375 and an assignment of rights against defendant's insurance carrier.
- v. Smith v. State Farm Mut. Auto. Ins. Co., et. al., USDC, N.D. Ill., 1:13-cv-02018, a TCPA class settlement of \$7,000,000.00 granted final approval on December 8, 2016.
- vi. Mey v. Frontier Communications Corporation, USDC, D. Conn., 3:13-cv-1191-MPS, a TCPA class settlement of \$11,000,000 granted final approval on June 2, 2017.
- vii. Heidarpour v. Central Payment Co., USDC, M.D. Ga., 15-cv-139, a TCPA class settlement of \$6,500,000 granted final approval on May 4, 2017.
- viii. Abante Rooter and Plumbing, Inc. v. Birch Communications, Inc., USDC, N.D. Ga., 1:15-CV-03562-AT, a TCPA class settlement of \$12,000,000 granted final approval on December 14, 2017.
- ix. Abante Rooter and Plumbing, Inc. v. Pivotal Payments, Inc., USDC, N.D. Cal., 3:16-cv-05486-JCS, a TCPA class settlement of \$9,000,000 granted final approval on October 15, 2018.
- x. In re Monitronics International, Inc., USDC, N.D.W. Va., 1:13-md-02493-JPB-JES, a TCPA class settlement of \$28,000,000 granted final approval on June 12, 2018.
- xi. Thomas Krakauer v. Dish Network, L.L.C., USDC, M.D.N.C., 1:14-CV-333 on

September 9, 2015. Following a contested class certification motion, this case went to trial in January of 2017 returning a verdict of \$20,446,400. On May 22, 2017, this amount was trebled by the Court after finding that Dish Network's violations were "willful or knowing", for a revised damages award of \$61,339,200. (Dkt. No. 338). The Fourth Circuit Court of Appeals unanimously affirmed the judgment in May of 2019. *Krakauer v. Dish Network, L.L.C.*, 925 F.3d 643 (4th Cir. 2019). The United States Supreme Court rejected *certiorari* of this matter in December of 2019. *See DISH Network L.L.C. v. Krakauer*, 140 S. Ct. 676 (2019).

- xii. Abante Rooter and Plumbing, Inc. v. Alarm.com Incorporated, et. al., USDC, N.D. Cal., 4:15-cv-06314-YGR, a TCPA class settlement of \$28,000,000 granted final approval on August 13, 2019.
- xiii. Charvat v. Carnival Corporation & PLC, et. al., USDC, N.D. Ill., 1:13-cv-00042, a TCPA class settlement of \$12,500,000 granted final approval in April of 2020.
- xiv. Loftus v. Sunrun, Inc., USDC, N.D. Cal., 3:19-cv-1608, a TCPA class settlement of \$5,500,000 granted final approval on May 11, 2021.
- xv. Murray, et. al. v. Grocery Delivery E-Services USA Inc. d/b/a HelloFresh, D. MA., Civil Action no. 19-cv-12608, a TCPA class settlement of \$14,000,000 granted final approval on October 15, 2021.
- xvi. Perrong v. Orbit Energy & Power, LLC, E.D. PA., Civil Action No. 21-cv-777, a TCPA class settlement of \$6,000,000 granted preliminary approval on March 7, 2022.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE SIGNED UNDER PENALTY OF PERJURY OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT EXECUTED THIS THIS 5<sup>th</sup> DAY OF APRIL, 2022, IN THE COMMONWEALTH OF MASSACHUSETTS.

/s/ Anthony I. Paronich  
Anthony I. Paronich

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**vs.**

**Case No. 5:17-cv-00179-JPB**

**DIRECTV, LLC,**

**Defendant.**

**DECLARATION OF MATTHEW P. McCUE**

I, Matthew P. McCue, declares as follows:

1. I am an attorney duly admitted to practice in the Commonwealth of Massachusetts, I am over 18 years of age, am competent to testify and make this affidavit on personal knowledge. I make this declaration in support of Plaintiffs' Motion for Class Certification

2. I am a 1993 honors graduate of Suffolk Law School in Boston, Massachusetts. Following graduation from law school, I served as a law clerk to the Justices of the Massachusetts Superior Court. I then served a second year as a law clerk for the Hon. F. Owen Eagan, United States Magistrate Judge for the USDC District of Connecticut.

3. In 1994, I was admitted to the Bar in Massachusetts. Since then, I have been admitted to practice before the United States District Court for the District of Massachusetts, the District of Colorado, and the Eastern District of Wisconsin. I am also admitted to practice before the First, Sixth and Seventh Courts of Appeals, as well as the United States Supreme Court.

4. Following my clerkships, I was employed as a litigation associate with the Boston law firm of Hanify & King. In 1997, I joined the law firm of Mirick O'Connell as a litigation associate where I focused my trial and appellate practice on consumer protection law.

5. In the summer of 2002, I was recognized by the legal publication Massachusetts Lawyers Weekly as one of five “Up and Coming Attorneys” for my work on behalf of consumers.
6. In November of 2004, I started my own law firm focusing exclusively on the litigation of consumer class actions and serious personal injury cases.
7. I am in good standing in every court to which I am admitted to practice.
8. A sampling of other class actions in which I have represented classes of consumers follows:
  - i. Mey v. Herbalife International, Inc., Circuit Court of Ohio County, West Virginia, Civil Action No. 01-C-263M. Co-lead counsel prosecuting consumer class action pursuant to TCPA on behalf of nationwide class of junk fax and prerecorded telephone solicitation recipients. \$7,000,000 class action settlement granted final approval on February 5, 2008.
  - ii. Mulhern v. MacLeod d/b/a ABC Mortgage Company, Norfolk Superior Court, Civil Action 2005-01619 (Donovan, J.). Represented a class of Massachusetts consumers who received unsolicited facsimile advertisements in violation of the TCPA and G.L. c. 93A. Case certified as a class action and final approval of class settlement for \$475,000 was approved on July 25, 2007.
  - iii. Evan Fray-Witzer, v. Metropolitan Antiques, LLC, Suffolk Superior Court, Civil Action 02-5827 Business Session, (Van Gestel, J.). In this case, the defendant filed two Motions to Dismiss challenging the Plaintiffs’ right to pursue a private right of action and challenging the TCPA as unconstitutional. Both Motions to Dismiss were denied. Class certification was then granted and I was appointed co-lead class counsel. Companion to this litigation, my co-counsel and I successfully litigated the issue of whether commercial general liability insurance provided coverage for the illegal telemarketing at issue. After losing this issue before the trial court, we appealed this issue to the Massachusetts Supreme Judicial Court which issued a decision reversing the contrary decision of the trial court and finding coverage. See Terra Nova Insurance v. Fray-Witzer et al., 449 Mass. 206 (2007). This case resolved for \$1,800,000.
  - iv. Shonk Land Company, LLC v. SG Sales Company, Circuit Court of Kanawha County, West Virginia, Civil Action No. 07-C-1800 (multi-state class action on behalf of recipients of faxes in violation of TCPA, settlement for \$2,450,000, final approval granted in September of 2009.
  - v. Mann & Company, P.C. v. C-Tech Industries, Inc., USDC, D. Mass., C.A. 1:08CV11312-RGS, class action on behalf of recipients of faxes in violation of TCPA, settlement for \$1,000,000, final approval granted in January of 2010.
  - vi. Evan Fray Witzer v. Olde Stone Land Survey Company, Inc., Massachusetts Superior Court, Civil Action No. 08-04165 (February 3, 2011) (final approval granted for TCPA class settlement). This matter

settled for \$1,300,000.

- vii. Milford & Ford Associates, Inc. and D. Michael Collins vs. Cell-Tek, LLC, USDC, D. Mass. C. A. 1:09-cv- 11261-DPW, class action on behalf of recipients of faxes in violation of TCPA, settlement for \$1,800,000, final approval granted August 17, 2011 (Woodlock, J.).
- viii. Collins v. Locks & Keys of Woburn Inc., Massachusetts Superior Court, Civil Action No. 07-4207-BLS2 (December 14, 2011) (final approval granted for TCPA class settlement). This matter settled for \$2,000,000.
- ix. Brey Corp t/a Hobby Works v. Life Time Pavers, Inc., Circuit Court for Montgomery County, Maryland, Civil Action No. 349410-V. This TCPA class action settled for \$1,575,000.
- x. Collins, et al v. ACS, Inc. et al, USDC, District of Massachusetts, Civil Action No. 10-CV-11912 a TCPA case for illegal fax advertising, which settled for \$1,875,000.
- xi. Desai and Charvat v. ADT Security Services, Inc., USDC, Northern District of Illinois, Civil Action No. 11-CV-1925, settlement of \$15,000,000, approved, awarding fees of one third of common fund. Case involved illegal telemarketing conducted by authorized dealers of ADT.
- xii. Benzion v. Vivint, 0:12cv61826, USDC S.D.Fla., TCPA settlement of \$6,000,000 granted final approval in February of 2015.
- xiii. Kensington Physical Therapy v. Jackson Physical Therapy Partners, USDC, District of Maryland, 8:11cv02467, TCPA settlement of \$4,500,000 granted final approval in February of 2015.
- xiv. Jay Clogg Realty v. Burger King Corp., USDC, District of Maryland, 8:13cv00662, TCPA settlement of \$8.5 million granted final approval in May of 2015.
- xv. Charvat v. AEP Energy, 1:14cv03121 ND Ill, TCPA class settlement of \$6 million granted final approval on September 28, 2015.
- xvi. Mey v. Interstate National Dealer Services, Inc., USDC, ND. Ga., 1:14-cv-01846-ELR, TCPA class settlement of \$4,200,000 granted final approval on June 8, 2016.
- xvii. Philip Charvat and Ken Johansen v. National Guardian Life Insurance Company, USDC, WD. WI., 15-cv-43-JDP, TCPA class settlement for \$1,500,000 granted final approval on August 4, 2016.
- xviii. Dr. Charles Shulruff, D.D.S. v. Inter-med, Inc., 1:16-cv-00999, ND Ill, TCPA class settlement of \$400,000 granted final approval on November 22, 2016.
- xix. Toney v. Quality Resources, Inc., Cheryl Mercuris and Sempris LLC, 13-cv-00042. This TCPA class action involved multiple defendants and multiple settlements. The first settlement was approved on December 1, 2016, in the amount of \$2,150,000 with one of three defendants and an assignment of rights against defendant's insurance carrier. Second settlement of \$3,300,000 granted final approval on September 25, 2018.
- xx. Bull v. US Coachways, Inc., 1:14-cv-05789, TCPA settlement in the amount of

\$3,250,000 approved on May 18, 2019.

- xxi. Smith v. State Farm Mut. Auto. Ins. Co., et. al., USDC, ND. Ill., 1:13-cv-02018, TCPA class settlement of \$7,000,000.00 granted final approval on December 8, 2016.
- xxii. Mey v. Frontier Communications Corporation, USDC, D. Ct., 3:13-cv-1191-MPS, a TCPA class settlement of \$11,000,000 granted final approval on June 2, 2017.
- xxiii. Biringer v. First Family Insurance, Inc., USDC, ND. Fla.. TCPA class settlement of \$2,900,000 granted final approval on April 24, 2017.
- xxiv. Abramson v. Alpha Gas and Electric, LLC, USDC, SD. NY., 7:15-cv-05299-KMK. TCPA class settlement of \$1,100,000 granted final approval on May 3, 2017.
- xxv. Heidarpour v. Central Payment Co., USDC, MD. Ga., 16-cv-01215. TCPA class settlement of \$6,500,000 granted final approval on May 4, 2017.
- xxvi. Abante Rooter and Plumbing, Inc. v. New York Life Insurance Company, USDC, SD. NY., 1:16-cv-03588-BCM. TCPA class settlement of \$3,250,000 granted final approval on February 27, 2018.
- xxvii. Abramson v. CWS Apartment Home, LLC, USDC, WD. Tex., 16-cv-01215. TCPA class settlement of \$368,000.00 granted final approval on May 19, 2017.
- xxviii. Thomas Krakauer v. Dish Network, L.L.C., USDC, MDNC, Civil Action No. 1:14-CV-333 on September 9, 2015. This TCPA class action related to illegal telemarketing conducted by an Authorized Dealer of Dish Network and sought to hold Dish Network vicariously liable for the actions it is dealer. I was appointed and served as co-trial counsel in the case which resulted in a jury verdict in favor of plaintiff and the class of \$20,446,400 on January 19, 2017. (Dkt. 292). On May 22, 2017, this amount was trebled by the Court after finding that Dish Network's violations were "willful or knowing", for a revised damages award of \$61,339,200. (Dkt. No. 338). Affirmed on appeal, *Krakauer v. Dish Network, LLC*, 925 F.3d 643 (4<sup>th</sup> Cir. May 20, 2019), *cert. denied. Dish Network, L.L.C. v. Krakauer*, 140 S.Ct. 676 (December 16, 2019).
- xxix. Mey v. Got Warranty, Inc., et. al., USDC, NDWV., 5:15-cv-00101-JPB-JES, a TCPA class settlement of \$650,000 granted final approval on July 26, 2017.
- xxx. Mey v. Patriot Payment Group, LLC, USDC, NDWV., 5:15-cv-00027-JPB-JES, a TCPA class settlement of \$3,700,000 granted final approval on July 26, 2017.
- xxxi. Charvat and Wheeler v. Plymouth Rock Energy, LLC, et al, USDC, EDNY, 2:15-cv-04106-JMA-SIL, a TCPA class settlement of \$1,675.000 granted final approval on July 31, 2018.
- xxxii. Fulton Dental, LLC v. Bisco, Inc., USDC, NDIL, 1:15-cv-11038. TCPA class settlement for \$262,500 granted final approval on March 7, 2018.
- xxxiii. Abante Rooter and Plumbing, Inc. v. Birch Communications, Inc., USDC, NDGA, 1:15-cv-03262-AT. TCPA class settlement of \$12,000,000 granted final approval on December 14, 2017.
- xxxiv. Mey v. Venture Data, LLC and Public Opinion Strategies, USD NDWV, 5:14-cv-123.



Final approval of TCPA settlement granted on September 8, 2018.

- xxxv. Abante Rooter and Plumbing, Inc. v. Alarm.com, Inc., USDC, NDCA 4:15-cv-06314-YGR. TCPA class settlement of \$28,000,000 granted final approval on August 15, 2019.
- xxxvi. In Re Monitronics International, Inc. Telephone Consumer Protection Act Litigation, USDC, NDWV, 1:13-md-02493-JPB-MJA, a TCPA class settlement of \$28,000,000 granted final approval on June 12, 2018.
- xxxvii. Charvat v. Elizabeth Valente, et al, USDC, NDIL, 1:12-cv-05746. TCPA settlement of \$12,500,000 granted final approval on November 4, 2019.
- xxxviii. Abante Rooter and Plumbing, Inc. v. Allstate Insurance Company, et al, USDC, NDIL 1:15-cv-00925. TCPA class settlement of \$10,500,000 granted final approval on August 15, 2019.
- xxxix. Kaiser v. CVS Pharmacy, Inc., et al, USDC NDIL, 1:14-cv-03687, TCPA class settlement of \$15,000,000 approved on January 30, 2020.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE SIGNED UNDER PENALTY OF PERJURY OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT EXECUTED THIS THIS SIXTH DAY OF APRIL, 2022 IN THE COMMONWEALTH OF MASSACHUSETTS.

/s/ Matthew P. McCue  
Matthew P. McCue

**IN THE UNITED STATES DISTRICT COURT FOR  
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**DAVID and ROXIE VANCE and  
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**Plaintiffs,**

**vs.**

**Case No. 5:17-cv-00179-JPB**

**DIRECTV, LLC,**

**Defendant.**

**DECLARATION OF EDWARD A. BRODERICK**

I, Edward A. Broderick, declare as follows:

1. I am an attorney duly admitted to practice in the Commonwealth of Massachusetts, I am over 18 years of age, am competent to testify and make this affidavit on personal knowledge. I make this declaration in support of Plaintiffs' Motion for Class Certification. In this declaration I will describe the work that I and my co-counsel have done in identifying and investigating potential claims in the action and to set forth my qualifications to serve as class counsel, and describe my experience in representing plaintiff classes in class actions, and cases brought under the 47 U.S.C. § 227, the Telephone Consumer Protection Act. ("TCPA").

4. I have been involved in every stage of representing Plaintiffs in this case, from pre-trial investigation, analysis of Plaintiffs' potential claims, and review of documents and discovery responses as well as depositions. Based on my experience in prosecuting class actions under the TCPA, I believe this action satisfies all of the requirements of Rule 23 of the Federal Rules of Civil Procedure.

5. My firm, as well as my co-counsel, has sufficient resources to prosecute this case to a successful resolution through trial and any appeals, as is evidenced by my experience in litigating TCPA class actions set forth below.

**QUALIFICATIONS OF COUNSEL**

6. I am a 1993 graduate of Harvard Law School. Following graduation from law school, I served as a law clerk to the Honorable Martin L.C. Feldman, United States District Judge in the Eastern District of Louisiana.

7. Following my clerkship, from 1994 to December 1996, I was an associate in the litigation department of Ropes & Gray in Boston, where I gained class action experience in the defense of a securities class action, *Schaeffer v. Timberland*, in the United States District Court in New Hampshire, and participated in many types of complex litigation.

8. From January 1997 to March 2000, I was an associate with Ellis & Rapacki, a three-lawyer Boston firm focused on the representation of consumers in class actions.

9. In March 2000, I co-founded the firm of Shlansky & Broderick, LLP, focusing my practice on complex litigation and the representation of consumers.

10. In 2003, I started my own law firm focusing exclusively on the litigation consumer class actions.

11. A sampling of other class actions in which I have represented classes of consumers and been appointed class counsel follows:

- i. *In re General Electric Capital Corp. Bankruptcy Debtor Reaffirmation Agreements Litigation*, (MDL Docket No. 1192) (N.D. Ill) (nationwide class action challenging reaffirmation practices of General Electric Capital Corporation, settlement worth estimated \$60,000,000.)
- ii. *Hurley v. Federated Department Stores, Inc., et al*, USDC D. Mass. Civil Action No. 97-11479-NG (nationwide class action challenged bankruptcy reaffirmation practices of Federated Department Stores and others; \$8,000,000 recovery for class.)
- iii. *Valerie Ciardi v. F. Hoffman LaRoche, et al*, Middlesex Superior Court Civil Action No. 99-3244D, (class action pursuant to Massachusetts Consumer Protection Act, M.G.L. c. 93A brought on behalf of Massachusetts consumers harmed by price-fixing conspiracy by manufactures of vitamins; settled for \$19,600,000.)
- iv. *Shelah Feiss v. Mediaone Group, Inc, et al*, USDC N. District Georgia, Civil Action No. 99-CV-1170, (multistate class action on behalf of consumers; estimated class recovery of \$15,000,000--\$20,000,000.)

- v. *Mey v. Herbalife International, Inc.*, Ohio County Circuit Court (West Virginia), Civil Action No. 01-cv-263. \$7,000,000 TCPA class action settlement granted final approval on February 5, 2008 following the grant of a contested class certification motion.
- vi. *Mulhern v. MacLeod d/b/a ABC Mortgage Company*, Norfolk Superior Court (Massachusetts), Civil Action No. 05-01619-BLS. TCPA class settlement of \$475,000 following the grant of a contested class certification motion, granted final approval by the Court on July 25, 2007.
- vii. *Evan Fray-Witzer, v. Metropolitan Antiques, LLC*, Suffolk Superior Court (Massachusetts), Civil Action No. 02-5827-BLS. After the grant of a contested class certification motion, a companion case went to the Massachusetts Supreme Judicial Court, which issued a decision finding insurance coverage. *See Terra Nova Insurance v. Fray-Witzer et. al.*, 449 Mass. 206 (2007). There was then a TCPA class settlement of \$1,800,000 which was granted final approval.
- viii. *Shonk Land Company, LLC v. SG Sales Company*, Circuit Court of Kanawha County (West Virginia), Civil Action No. 07-C-1800 TCPA class settlement for \$2,450,000, final approval granted in September of 2009.
- ix. *Mann & Company, P.C. v. C-Tech Industries, Inc.*, USDC, D. Mass., Civil Action No. 1:08-CV-11312-RGS, TCPA class settlement of \$1,000,000, final approval granted in January of 2010.
- x. *Evan Fray Witzer v. Olde Stone Land Survey Company, Inc.*, Suffolk Superior Court (Massachusetts), Civil Action No. 08-04165. TCPA class settlement \$1,300,000 granted final approval on February 3, 2011.
- xi. *Milford & Ford Associates, Inc. and D. Michael Collins vs. Cell-Tek, LLC*, USDC, D. Mass., Civil Action No. 1:09-cv-11261-DPW. TCPA class settlement of \$1,800,000, final approval granted August 17, 2011.
- xii. *Collins v. Locks & Keys of Woburn, Inc.*, Suffolk Superior Court (Massachusetts), Civil Action No. 07-4207-BLS2, TCPA class settlement of \$2,000,000 following the granting of a contested class certification motion, granted final approval on December 14, 2011.
- xiii. *Brey Corp t/a Hobby Works v. Life Time Pavers, Inc.*, Circuit Court for Montgomery County (Maryland), Civil Action No. 349410-V, TCPA class settlement of \$1,575,000 granted final approval in March of 2012.
- xiv. *Collins, et al v. ACS, Inc. et al*, USDC, D. Mass., Civil Action No. 10-CV-11912, TCPA class settlement \$1,875,000 granted final approval on September 25, 2012.
- xv. *Desai and Charvat v. ADT Security Services, Inc.*, USDC, ND. Ill., Civil Action No. 11-CV-1925, TCPA class settlement of \$15,000,000 granted final approval on June 21, 2013.
- xvi. *Benzion v. Vivint*, 0:12cv61826, USDC S.D.Fla., settlement of \$6,000,000 granted final approval in February of 2015.
- xvii. *Kensington Physical Therapy, Inc. v. Jackson Therapy Partners, LLC*, USDC, D. MD, Civil

Action No. 11-CV-02467, TCPA class settlement of \$4,500,000 granted final approval on February 12, 2015.

- xviii. *Jay Clogg Realty Group, Inc. v. Burger King Corporation*, USDC, D. MD., Civil Action No. 13-cv-00662, TCPA class settlement of \$8,500,000 granted final approval on April 15, 2015.
- xix. *Charvat v. AEP Energy, Inc.*, USDC, ND. Ill., 1:14-cv-03121, TCPA class settlement of \$6,000,000 granted final approval on September 28, 2015.
- xx. *Mey v. Interstate National Dealer Services, Inc.*, USDC, ND. Ga., 1:14-cv-01846-ELR, TCPA class settlement of \$4,200,000 granted final approval on June 8, 2016.
- xxi. *Philip Charvat and Ken Johansen v. National Guardian Life Insurance Company*, USDC, WD. WI., 15-cv-43-JDP, TCPA class settlement for \$1,500,000 granted final approval on August 4, 2016.
- xxii. *Bull v. US Coachways, Inc.*, USDC, ND. Ill., 1:14-cv-05789, TCPA class settlement finally approved on November 11, 2016 with an agreement for judgment in the amount of \$49,932,375 and an assignment of rights against defendant's insurance carrier.
- xxiii. *Toney v. Quality Resources, Inc., Cheryl Mercuris and Sempris LLC, et al.*, USDC, ND. Ill., 1:13-cv-00042, TCPA class settlement of \$2,150,000 was granted final approval on December 1, 2016 with one of three defendants, and an assignment of rights against defendant's insurance carrier. Second settlement on behalf of class against two remaining defendants of \$3,300,000 granted final approval on September 25, 2018.
- xxiv. *Smith v. State Farm Mut. Auto. Ins. Co., et al.*, USDC, ND. Ill., 1:13-cv-02018, TCPA class settlement of \$7,000,000.00 granted final approval on December 8, 2016.
- xxv. *Mey v. Frontier Communications Corporation*, USDC, D. Ct., 3:13-cv-1191-MPS, a TCPA class settlement of \$11,000,000 granted final approval on June 2, 2017.
- xxvi. *Biringer v. First Family Insurance, Inc.*, USDC, ND. Fla., a TCPA class settlement of \$2,900,000 granted final approval on April 24, 2017.
- xxvii. *Abramson v. Alpha Gas and Electric, LLC*, USDC, SD. NY., 7:15-cv-05299-KMK, a TCPA class settlement of \$1,100,000 granted final approval on May 3, 2017.
- xxviii. *Heidarpour v. Central Payment Co.*, USDC, MD. Ga., 16-cv-01215, a TCPA class settlement of \$6,500,000 granted final approval on May 4, 2017.
- xxix. *Abante Rooter and Plumbing, Inc. v. New York Life Insurance Company*, USDC, SD. NY., 1:16-cv-03588-BCM, a TCPA class settlement of \$3,250,000 granted final approval on February 27, 2018.
- xxx. *Abramson v. CWS Apartment Home, LLC*, USDC, WD. Tex., 16-cv-01215, a TCPA class settlement of \$368,000.00 granted final approval on May 19, 2017.
- xxxi. *Charvat v. Elizabeth Valente, et al*, USDC, NDIL, 1:12-cv-05746, \$12,500,000 TCPA settlement granted final approval on November 4, 2019, appeal pending.
- xxxii. *Thomas Krakauer v. Dish Network, L.L.C.*, USDC MDNC, Civil Action No. 1:14-CV-333

on September 9, 2015. Following a contested class certification motion, this case went to trial in January of 2017 returning a verdict of \$20,446,400. On May 22, 2017, this amount was trebled by the Court after finding that Dish Network's violations were "willful or knowing", for a revised damages award of \$61,339,200. (Dkt. No. 338). Affirmed on appeal, *Krakauer v. Dish Network, LLC*, 925 F.3d 643 (4<sup>th</sup> Cir. May 20, 2019), *cert. denied. Dish Network, L.L.C. v. Krakauer*, 140 S.Ct. 676 (December 16, 2019).

- xxxiii. *Mey v. Got Warranty, Inc., et al.*, USDC, NDWV., 5:15-cv-00101-JPB-JES, a TCPA class settlement of \$650,000 granted final approval on July 26, 2017.
- xxxiv. *Mey v. Patriot Payment Group, LLC*, USDC, NDWV., 5:15-cv-00027-JPB-JES, a TCPA class settlement of \$3,700,000 granted final approval on July 26, 2017.
- xxxv. *Charvat and Wheeler v. Plymouth Rock Energy, LLC, et al*, USDC, EDNY, 2:15-cv-04106-JMA-SIL, a TCPA class settlement of \$1,675,000 granted final approval on July 31, 2018.
- xxxvi. *Fulton Dental, LLC v. Bisco, Inc.*, USDC, NDIL, 1:15-cv-11038. TCPA class settlement for \$262,500 granted final approval on March 7, 2018
- xxxvii. *Mey v. Venture Data, LLC and Public Opinion Strategies*, USDC, NDWV, 5:14-cv-123. Final approval of TCPA settlement granted on September 8, 2018.
- xxxviii. *In Re Monitronics International, Inc. Telephone Consumer Protection Act Litigation*, USDC, NDWV, 1:13-md-02493-JPB-MJA, a TCPA class settlement of \$28,000,000 granted final approval on June 12, 2018.
- xxxix. *Abante Rooter and Plumbing, Inc. v. Alarm.com, Inc.*, USDC, NDCA 4:15-cv-06314-YGR. TCPA class settlement of \$28,000,000 granted final approval on August 15, 2019.
- xl. *Abante Rooter and Plumbing, Inc. v. Allstate Insurance Company, et al*, USDC, NDIL 1:15-cv-00925. TCPA class settlement of \$10,500,000 granted final approval on August 15, 2019.
- xli. *Kaiser v. CVS Pharmacy, Inc., et al*, USDC NDIL, 1:14-cv-03687, TCPA class settlement of \$15,000,000 approved on January 30, 2020.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE SIGNED UNDER PENALTY OF PERJURY OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT EXECUTED THIS THIS 11<sup>th</sup> DAY OF APRIL, 2022 IN THE COMMONWEALTH OF MASSACHUSETTS.

/s/ Edward A. Broderick  
Edward A. Broderick

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF WEST VIRGINIA**

**Wheeling Division**

**DAVID and ROXIE VANCE and  
CARLA SHULTZ, individually  
and on behalf of a class of all  
persons and entities similarly situated,**

**Plaintiffs,**

**vs.**

**Case No. 5:17-cv-00179-JPB**

**DIRECTV, LLC,**

**Defendant.**

**DECLARATION OF JOHN W. BARRETT  
IN SUPPORT OF CLASS CERTIFICATION**

1. I am supplying this declaration in support of Plaintiffs' motion for class certification.

2. I received a B.A. from the University of Pennsylvania in 1988, and my law degree from Boston University School of Law, *cum laude*, in 1996. From 1996 through 1998, I clerked for Charles H. Haden II, Chief Judge of the United States District Court for the Southern District of West Virginia.

3. I am admitted to practice law in West Virginia and Massachusetts, and have based my practice in Charleston, West Virginia for most of my career. After clerking for Judge Haden, I practiced with a two-lawyer firm for three years, then as a sole practitioner for three years, where I was also managing attorney for the Appalachian Center for the Economy and the Environment, a nonprofit environmental protection firm now known as Appalachian Mountain Advocates.

4. I joined Bailey & Glasser as a partner in 2005. I am the President of the firm, and have also served as the firm's contingent practice leader, where I was responsible for overseeing our contingent litigation practice, which spans areas ranging from product liability class actions such as

the Toyota sudden acceleration and Volkswagen diesel fraud multi-district litigations (where we serve in court-appointed leadership roles), to antitrust cases, to ERISA breach of fiduciary duty cases, to consumer protection class actions, and to defective drug and medical device litigation.

5. I am a Fellow of the West Virginia Bar Association, a distinction that recognizes those lawyers “whose professional, public, and private careers have demonstrated outstanding dedication to the welfare of their communities and honorable service to the legal profession.” I am a Fellow of the Litigation Counsel of America; Chair of the Development Advisory Group for Legal Aid of West Virginia, Inc.; Trustee of the University of Charleston; and a member of the West Virginia University College of Law Visiting Committee. I have been selected for inclusion in *Best Lawyers in America*, Mass Tort Litigation/Class Actions – Plaintiffs; and *Super Lawyers*, West Virginia, Class Action/Mass Torts, Consumer Law.

6. I have handled and won class action, mass action, and individual plaintiff jury trials in federal and state court, and successfully argued appeals to uphold verdicts won in those cases.

Some of these cases include:

- *Krakauer v. Dish Network, L.L.C.*, No. 1:14-cv-00333, M.D. N.C. (five-day TCPA jury trial and a treble damages award for a certified class, resulting in \$61.3 million judgment, *affirmed* 925 F.3d 643 (4<sup>th</sup> Cir. 2019));
- *Hankins v. Alarm.com Incorporated and Alarm.com Holdings, Inc.*, No. 4:15-cv-06314, N.D. Cal. (settled TCPA class action for \$28 million);
- *In re Monitronics TCPA Litig.*, MDL No. 2493, N.D. W.Va. (appointed MDL Co-Lead Counsel; \$28 million TCPA class action settlement);
- *Mey v. Patriot Payment Group, LLC*, No. 5:15-cv-00027, N.D. W.Va. (\$3.7 million settlement in TCPA class action);
- *Mey v. Venture Data, LLC*, No. 5:14-cv-00123, N.D. W. Va. (\$2.1 million TCPA class action settlement);
- *Mey v. Frontier Communications Corp.*, No. 3:13-01191, D. Conn. (\$11 million nationwide TCPA settlement);
- *Generic Drug Litigation (State of West Va. v. Rite Aid of West Va.)*, No. 09-C-27;



and *State of West Va. v. CVS Pharmacy, Inc.*, No. 09-C-226 (Circuit Court of Boone County, West Virginia) (as Special Assistant Attorney General, won settlements of more than \$10 million in *parens patriae* consumer protection litigation);

- *Carter v. Forjas Taurus SA et al.*, No. 1:13-CV-24583, S.D. Fla. (class counsel for product liability class action against Brazilian pistol manufacturer; settlement provides for the free exchange of defective pistols for new pistols (unlimited by any claims period), or cash payments of up to \$30 million for returned pistols; total value of settlement \$240 million);
- *Desai v. ADT Security*, No. 11-C-1925, N.D. Ill. (\$15 million TCPA settlement for nationwide class);
- *Brooks v. City of Huntington*, No. 11-C-125 (Circuit Court of Wayne County, West Virginia) (lead trial counsel 2011 jury trial for 40 residents whose homes and properties were flooded by a municipal storm water control system; total recovery exceeded \$1 million); and
- *Ooten v. Massey Coal*, Civil Action No. 02-C-203 (Circuit Court of Mingo County, West Virginia) (trial counsel in two-phase, six-week jury trial alleging mining company damaged the groundwater supplies of coalfield residents; total cash recovery was \$3.2 million, plus injunctive relief).

Dated: April 8, 2022

/s/ John W. Barrett

John W. Barrett